

AMENDED IN SENATE APRIL 29, 2013

**SENATE BILL**

**No. 826**

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**Introduced by Committee on Judiciary (Senators Evans (Chair),  
Anderson, Corbett, Jackson, Leno, Monning, and Walters)**

March 21, 2013

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*An act to amend Section 3202 of the Family Code, and to amend  
Section 8200 of the Probate Code, relating to civil law.*

LEGISLATIVE COUNSEL'S DIGEST

SB 826, as amended, Committee on Judiciary. Civil law: omnibus bill.

*(1) Existing law requires the custodian of a will, within 30 days after having knowledge of the death of the testator, unless a petition for probate of the will is earlier filed, to deliver the will to the clerk of the superior court of the county in which the estate of the decedent may be administered and to mail a copy of the will to the executor or a beneficiary, as specified. Existing law imposes a fee for delivering a will to the clerk of the superior court and requires reimbursement of this fee from the estate if an estate is commenced for the dependent named in the will.*

*This bill would revise this provision to require reimbursement of the fee from the estate if an estate is commenced for the decedent named in the will.*

*(2) Existing law requires compliance with the Uniform Standards of Practice for Providers of Supervised Visitation for supervised visitation and exchange programs.*

*This bill would make a technical correction to a reference to this standard.*

~~Existing law, the Civil Code, is composed of 4 divisions relating to persons, property, obligations, and general provisions relating to persons, property, and obligations.~~

~~This bill would declare the intent of the Legislature to enact technical and noncontroversial statutory changes relating to civil law.~~

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 3202 of the Family Code is amended to*  
2     *read:*

3     3202. (a) All supervised visitation and exchange programs  
4     funded pursuant to this chapter shall comply with all requirements  
5     of the Uniform Standards of Practice for Providers of Supervised  
6     Visitation set forth in ~~Section 26.2~~ *Standard 5.20* of the Standards  
7     of Judicial Administration as amended. The family law division  
8     of the superior court may contract with eligible providers of  
9     supervised visitation and exchange services, education, and group  
10    counseling to provide services under this chapter.

11    (b) As used in this section, “eligible provider” means:

12    (1) For providers of supervised visitation and exchange services,  
13    a local public agency or nonprofit entity that satisfies the Uniform  
14    Standards of Practice for Providers of Supervised Visitation.

15    (2) For providers of group counseling, a professional licensed  
16    to practice psychotherapy in this state, including, but not limited  
17    to, a licensed psychiatrist, licensed psychologist, licensed clinical  
18    social worker, licensed marriage and family therapist, or licensed  
19    professional clinical counselor; or a mental health intern working  
20    under the direct supervision of a professional licensed to practice  
21    psychotherapy.

22    (3) For providers of education, a professional with a bachelor’s  
23    or master’s degree in human behavior, child development,  
24    psychology, counseling, family-life education, or a related field,  
25    having specific training in issues relating to child and family  
26    development, substance abuse, child abuse, domestic violence,  
27    effective parenting, and the impact of divorce and interparental  
28    conflict on children; or an intern working under the supervision  
29    of that professional.

30    *SEC. 2. Section 8200 of the Probate Code is amended to read:*

1 8200. (a) Unless a petition for probate of the will is earlier  
2 filed, the custodian of a will shall, within 30 days after having  
3 knowledge of the death of the testator, do both of the following:

4 (1) Deliver the will to the clerk of the superior court of the  
5 county in which the estate of the decedent may be administered.

6 (2) Mail a copy of the will to the person named in the will as  
7 executor, if the person's whereabouts is known to the custodian,  
8 or if not, to a person named in the will as a beneficiary, if the  
9 person's whereabouts is known to the custodian.

10 (b) A custodian of a will who fails to comply with the  
11 requirements of this section *is shall be* liable for all damages  
12 sustained by any person injured by the failure.

13 (c) The clerk shall release a copy of a will delivered under this  
14 section for attachment to a petition for probate of the will or  
15 otherwise on receipt of payment of the required fee and either a  
16 court order for production of the will or a certified copy of a death  
17 certificate of the decedent.

18 (d) The fee for delivering a will to the clerk of the superior court  
19 pursuant to paragraph (1) of subdivision (a) shall be as provided  
20 in Section 70626 of the Government Code. If an estate is  
21 commenced for the ~~dependent~~ *decedent* named in the will, the fee  
22 for any will delivered pursuant to paragraph (1) of subdivision (a)  
23 shall be reimbursable from the estate as an expense of  
24 administration.

25 ~~SECTION 1.—It is the intent of the Legislature to enact technical~~  
26 ~~and noncontroversial statutory changes relating to civil law.~~